



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Issued by the Department of Transportation on January 26, 1999

NOTICE OF ACTION TAKEN -- DOCKET OST 98-4402

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Applicant: ITAPEMIRIM TRANSPORTES AEREOS, S.A.

Date Filed: August 31, 1998

Relief requested: Exemption from 49 USC section 41301 to permit the applicant to conduct, carrying property and mail, for a period of one year: 1) scheduled services between any point or points in Brazil and the four U.S. coterminal points Los Angeles, California; Miami, Florida; Atlanta, Georgia; and New York, New York; via intermediate points; and 2) charter operations between Brazil and the United States, and other all-cargo charters in accordance with 14 CFR Part 212.

If renewal, date and citation of last action: New authority.

Applicant representative(s): Joshua I. Romanow, 202-775-9864

Responsive pleadings: None.

DISPOSITION

Action: Approved.

Action date: January 26, 1999

Effective dates of authority granted: January 26, 1999, through January 26, 2000.

Basis for approval (bilateral agreement/reciprocity): United States-Brazil Air Transport Agreement (Agreement).

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated:

☒ Standard exemption conditions

☐ Foreign air carrier permit conditions

Special conditions/Partial grant/Denial basis/Remarks: We find that the carrier is operationally and financially qualified to conduct the operations it proposes and that it is substantially owned and effectively controlled by citizens of Brazil. Itapemirim Transportes Aereos may not conduct any charter operations to/from the United States without prior Department approval, in the form of a Statement of Authorization. The authority granted here is subject to the terms, limitations and conditions of the U.S.-Brazil Agreement, in addition to our standard exemption conditions.

**Action taken by: Paul L. Gretch, Director
Office of International Aviation**

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) immediate action was required and was consistent with Department policy; (2) the applicant was qualified to perform its proposed operations; (3) grant of the authority was consistent with the public interest; and (4) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. To the extent not granted/deferred/dismissed, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within ten (10) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

*An electronic version of this document is available on the World Wide Web at:
http://dms.dot.gov/reports_aviation.asp*